

REMARKS

Claims 4 – 8 are pending. Claims 1 – 3 have been canceled, and are replaced by new claims 6 – 8. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim 4 was rejected under 35 USC 102(b) as being anticipated by GB Patent No. 2,263,671, Kitagawa et al. (“Kitagawa”). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Kitagawa in view of Warnez. Claim 4 has been amended; support for the amendment is located in FIG. 1, for example. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 4 recites, in combination, for example, “an interior decoration member for the vehicle provided separate from the airbag cover, wherein the case is arranged at a front side of the vehicle with respect to the interior decoration member.”

The office action argues that Kitagawa discloses the airbag device as recited in claim 4. To the contrary, in Kitagawa, the case (retainer) (24) of the airbag device (22) is arranged rearward of the interior decoration member (10). Therefore, in Kitagawa, the airbag device (22) as a whole is protruded rearward largely from the interior decoration member (10).

Accordingly, Kitagawa fails to anticipate the device in claim 4. Moreover, none of the other references of record remedy the defects of Kitagawa. The defects of the other references are discussed below, by way of example.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 4, but also because of additional features they recite in combination.

It is therefore respectfully submitted that claims 4 and 5 are allowable over the references of record.

Claims 1 and 3 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,904,367, Warnez et al. (“Warnez”) in view of U.S. Patent No. 5,536,043, Lane et al. (“Lane”). Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Warnez in view of Lane, further in view of U.S. Patent No. 5,183,288, Inada et al. (“Inada”). Claims 1 – 3 have been rewritten as new claims 6 – 8. The applicants respectfully request that this rejection be withdrawn for the following reasons.

The present invention is directed to a knee protection airbag device. A knee protection airbag device is typically located in the lower region of an instrument panel, where the instrument panel is inclined so as to rise in a direction toward the rear of the vehicle. An airbag cover usually is smoothly incorporated into the instrument panel. In knee protection type airbag devices, it is desired that an airbag, when actuated, first protrudes rearward from an opening of a case, and then expands upward, i.e., in a manner so as to rise along the inclination of the instrument panel in order to deploy itself in a narrow gap between the instrument panel and the occupant’s knees. At the same time, however, the expanding force of the airbag is likely to move the entire device forward and adversely cause a gap between the upper end of the airbag cover and the instrument panel. Then the airbag expanding upward along the instrument will enter into the gap, consequently hindering the smooth deployment of the airbag. (E.g., specification page 2, lines 20 – 24.) One or more aspects of the invention are directed to solving this problem.

The airbag device disclosed in Warnez is to be mounted in an instrument panel in front of a front passenger’s seat. In the location of Warnez’s airbag device, the instrument panel is not

inclined to rise rearward, but extends forward from the upper end of the airbag cover.

Accordingly, even when the whole device moves outward by the expansion of the airbag, a gap into which an expanding airbag can enter should not arise. Moreover, since Warnez's airbag for protecting a front seat passenger protrudes rearward and not along the instrument panel, it is even less likely that Warnez's airbag moves into a gap, if any such gap is formed. Therefore, Warnez neither discloses nor teaches the above problem specific to knee protection airbag devices, nor discloses any means to solve the problem as recited in the present claims.

The office action acknowledges that Warnez fails to teach the interior decoration member of the door portion. Lane is cited to remedy the deficiencies of Warnez. However, Lane fails to remedy such deficiencies.

Lane concerns a knee-protection airbag device. However, it only discloses an airbag cover while deploys alone with the airbag deployment. Lane neither teaches nor discloses the above-discussed problem specific to knee protection airbag devices, nor suggests a means to solve the problem.

Furthermore, Warnez and/or Lane operate in a fundamentally different way than the claimed invention. Specifically, neither Warnez nor Lane teach or even suggest, let alone disclose, anything concerning the airbag device moving forward of the vehicle to provide a gap, as recited. Moreover, neither Warnez nor Lane teach or suggest the upward-opening door that covers the gap, as recited. The Office Action cites Warnez as disclosing this limitation, however, Warnez is clearly deficient considering the invention as claimed as a whole. Consequently, the proposed combination fails to teach or suggest the claimed invention.

Therefore, it is respectfully submitted that the claims are patentable over Warnez and Lane.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 6, but also because of additional features they recite in combination.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

Cynthia K. Nicholson

Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400